

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NEONODE SMARTPHONE LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO. LTD.
and SAMSUNG ELECTRONICS
AMERICA, INC.,

Defendants.

Civil Action No. 6:20-cv-00507-ADA

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court ORDERS that the following schedule will govern deadlines up to and including the trial of this matter:

Deadline	Item
Oct. 14, 2024	Fact Discovery opens.
Nov. 5, 2024	Deadline to serve Initial Disclosures per Rule 26(a).
Nov. 5, 2024	Deadline to file Answer to Complaint.
Nov. 22, 2024	Deadline to add parties.
Dec. 20, 2024	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
Jan. 31, 2025	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.) This deadline does not apply to amendments for plaintiff to amend to allege willfulness claims. The deadline for willfulness amendments is one month before the deadline for close of fact discovery.
Apr. 11, 2025	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
May 23, 2025	Close of Fact Discovery.
May 30, 2025	Opening Expert Reports.
June 27, 2025	Rebuttal Expert Reports.
July 18, 2025	Close of Expert Discovery.

July 25, 2025	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
Aug. 1, 2025	Dispositive motion deadline and Daubert motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed). Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge .
Aug. 15, 2025	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
Aug. 29, 2025	Parties to jointly email the Court's law clerk (See OGP at 1) to confirm their pretrial conference and trial dates.
Aug. 29, 2025	Serve objections to pretrial disclosures/rebuttal disclosures.
Sept. 5, 2025	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
Sept. 12, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.
Sept. 19, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at

	kmdaviscsr@yahoo.com. Deadline to file replies to motions <i>in limine</i> .
Sept. 26, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
Sept 30, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
Oct. 3, 2025	Final Pretrial Conference. Held in person unless otherwise requested
Oct. 24, 2025 ¹	Jury Selection/Trial.

SIGNED this _____ day of _____, 2024.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

¹ If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-Markman that are consistent with the Court's default deadlines in light of the actual trial date

AGREED:

By: /s/ Philip J. Graves

Philip J. Graves (Pro Hac Vice)
CA State Bar No. 153441
Greer N. Shaw (Pro Hac Vice)
CA State Bar No. 197960
GRAVES & SHAW LLP
355 S. Grand Ave., Suite 2450
Los Angeles, CA 90071
Telephone: (213) 204-5101
Email: pgraves@gravesshaw.com
Email: gshaw@gravesshaw.com

Brian D. Melton, **Attorney-in-charge**
(TX Bar #24010620)
Kalpana Srinivasan (CA Bar # 237460)
Rocco Magni (TX Bar # 24092745)
Bryce T. Barcelo (TX Bar # 24092081)
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 653-7807
Facsimile: (713) 654-6666
bmelton@susmangodfrey.com
ksrinivasan@susmangodfrey.com
rmagni@susmangodfrey.com
bbarcelo@susmangodfrey.com

Craig D. Cherry (TX Bar No. 24012419)
ccherry@cjsjlaw.com
Mark D. Siegmund (TX Bar No.
24117055)
msiegmund@cjsjlaw.com
**CHERRY JOHNSON SIEGMUND
JAMES, PLLC**
400 Austin Ave., 9th Floor
Waco, Texas 76701
Telephone: (254) 732-2242
Facsimile: (866) 627-3509

*Counsel for Plaintiff
Neonode Smartphone LLC*

By: /s/ John M. Guaragna

John Michael Guaragna
DLA Piper LLP
401 Congress Suite 2500
Austin, TX 78701
(512) 457-7125
Fax: 512/457-7001
John.Guaragna@dlapiper.com

Benjamin Mueller
DLA Piper LLP
444 West Lake Street, Suite 900
Chicago, IL 60606
(312) 368-4000
Fax: (312) 236-7516
Benjamin.Mueller@dlapiper.com

Mark D. Fowler
Erik R. Fuehrer
DLA Piper LLP
2000 University Avenue
East Palo Alto, CA 94303-2214
(650) 833-2000
Fax: (650) 833-2001
Mark.Fowler@dlapiper.com
Erik.Fuehrer@dlapiper.com

Susan Acquista
Tiffany C. Miller
DLA Piper LLP
401 B Street, Suite 1700
San Diego , CA 92101
(619) 699-2700
Fax: (619) 699-2701
Susan.Acquista@dlapiper.com
tiffany.miller@dlapiper.com

*Counsel for Defendants
Samsung Electronics Co. Ltd. and
Samsung Electronics America, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

/s/ Philip Graves
Philip Graves

John Michael Guaragna
DLA Piper LLP
401 Congress Suite 2500
Austin, TX 78701
(512) 457-7125
Fax: 512/457-7001
John.Guaragna@dlapiper.com

Benjamin Mueller
DLA Piper LLP
444 West Lake Street, Suite 900
Chicago, IL 60606
(312) 368-4000
Fax: (312) 236-7516
Benjamin.Mueller@dlapiper.com

Mark D. Fowler
Erik R. Fuehrer
DLA Piper LLP
2000 University Avenue
East Palo Alto, CA 94303-2214
(650) 833-2000
Fax: (650) 833-2001
Mark.Fowler@dlapiper.com
Erik.Fuehrer@dlapiper.com

Susan Acquista
Tiffany C. Miller
DLA Piper LLP
401 B Street, Suite 1700
San Diego , CA 92101
(619) 699-2700
Fax: (619) 699-2701
Susan.Acquista@dlapiper.com
tiffany.miller@dlapiper.com

*Attorneys for Defendants
Samsung Electronics Co. Ltd. and
Samsung Electronics America, Inc.*